APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/281,695	03/30/1999	JURGEN BRIESKORN	GR99P1337	7537

7590   05/17/2002

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EXAMINER
NGUYEN, HAI V

ART UNIT	PAPER NUMBER
2152	7

DATE MAILED: 05/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	**Application No.** 09/281,695	**Applicant(s)** BRIESKORN ET AL.
	Examiner Hai V. Nguyen	**Art Unit** 2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *30 March 1999* .

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

  If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

  a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other: .

1.   Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   The term **"further** communications terminal" in claims 1-20 is a relative term

which renders the claim indefinite. The term **"further"** is not defined by the claim, the

specification does not provide a standard for ascertaining the requisite degree, and one

of ordinary skill in the art would not be reasonably apprised of the scope of the

invention. The Examiner will interpret further communication terminal to mean second

communication terminal.

4.   Claim 10 recites the limitation "...**from the** central controller,... " in line 3 of the

claim 10. There is insufficient antecedent basis for this limitation in the claim.

To Where "**the** central controller..." is referred?

This is confused as claimed.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(b)

that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

6.   Claims 1, 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by

Robinson et al patent no. **5,533,102.**

6.   Claims 1, 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Robinson et al patent no. **5,533,102.**

7.   As to claim 1, Robinson teaches the invention as claimed, including a

communications system, comprising:

a first communications terminal to be connected, via a first network (Fig. 4,

computer 14 or phone 12 to be connected via PSTN and PSX, to phone 54);

said first communications terminal having a controller transmitting status data

about said first communications terminal to a remote computer via a second network

(the state register object 214 stores the state change request and delivers it to the state

controller 206 (col. 7, lines 1-6) via bi-directional link 46), whereby the remote computer

is programmed to generate an instruction sequence from the status data and to transmit

the instruction sequence to said first communications terminal via the second network

(the state controller 206 notifies the state registry object 214 of the new call received

and each state transition for each call; the state controller also queries the state registry

object 214 to see if the called party has requested a state change; Robinson, col. 6,

lines 55-60); and

8.   said controller controlling a function of said first communications terminal by

processing the instruction sequence as a program section (when the state registry

object 214 receives notification of a call state change, it checks whether the called party

has established a session to receive call notification; if so, it invokes the callback

function to notify the called party of the call state change, using separate "client service

thread"; col. 6, lines 61-67).

9.   As to claim 13, Robinson teaches a central controller for reading keyboard codes

of keys pressed from a keypad buffer (Robinson, col. 1, lines 55-64).

10.   As to claim 14, Robinson teaches, wherein the status data contain key codes of

keys pressed (Robinson, col. 2, lines 5-15).

11.   As to claim 15, Robinson teaches, wherein said controller is programmed to

generate from the status data instructions writing key codes into the keypad buffer

(Robinson, col. 1, lines 60-64).

12.   As to claim 16, Robinson teaches wherein said first communications terminal

includes a visual display unit (Robinson, Fig. 3), and said remote computer is

programmed to generate from the status data instructions which output data on said

visual display unit (Robinson, after the auto-attendant system 38 has handled the call

from the caller, it will display appropriate information on the display 20 of the PC 14, for

user to read, col. 7, lines 25-29).

13.   As to claim 17, Robinson teaches, wherein said remote computer is programmed

to generate from the status data instructions for producing sound signals (Robinson, col.

6, lines 2-24, a recording made of the caller's voice; col. 7, lines 55-60).

14.   As to claim 18, Robinson teaches, wherein the status data contain a telephone

number of the further communications terminal calling said first communications

terminal (Robinson, col. 6, lines 2-24; the caller's phone number).

15.   As to claim 19, Robinson teaches, wherein the remote computer is programmed

to establish a connection to said first communications terminal (Robinson, the PC 14

and the call processor system 38 can communicate directly with each other using client-server or peer-to-peer protocol, col. 4, lines 50-55).

16.   As to claim 20, Robinson teaches, wherein a data item identifying said first communications terminal is transmitted with the status data (Robinson, commands from the called party application to the auto-attendant system include a pointer to a call handle, a value indicating the state the called party wishes to move the call to, and a pointer to a block of parameters with additional information about the state to be moved to, col. 6, lines 25-34).

Claim Rejections - 35 USC § 103

17.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

18.   Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Robinson** et al patent no. **5,533,102** in view of the well-known feature of using Internet protocol.

19.   As to claims 2-4, Robinson teaches the invention substantially as discussed above; however, Robinson does not explicitly teach the Internet protocol.

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Robinson with the well-known feature to use the Internet protocol because it would allow users to communicate each other (see patent no. **US2001/0043608 A1**, Fig. 2, node 38).

20.   Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Robinson et al patent no. **5,533,102** in view of the well-known feature of using H.323

protocol.

21.   As to claim 5, Robinson teaches the invention substantially as discussed above;

however, Robinson does not explicitly teach the H.323 protocol.

It would have been obvious to one of ordinary skill in the Data Processing art at

the time of the invention to combine the teachings of Robinson with the well-known

feature to use the H.323 protocol because it would allow the H.323 calls to be translated

to CSTA protocol by using Bearer Control and Call Layers and passed on to the

Business Application (see patent no. **US2001/0043608 A1**, Fig. 4, par. [0034]).

22.   As to claim 6, Robinson teaches a first communications controller controlling a

communication with the further communications terminal (Robinson, col. 8, lines 5-9).

23.   As to claim 7, Robinson teaches, wherein said remote computer and said first

communications terminal communicate in accordance with a CSTA protocol (Robinson,

col. 5, lines 6-14).

24.   As to claim 8, Robinson teaches, which further comprises a second

communications controller controlling a communication between said first

communications terminal and said remote computer (Robinson, optionally the called

party sends the auto-attendant system commands to handle the call(s), and to "logout"

or "terminating a session"; col. 1-6).

25.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Robinson et al patent no. **5,533,102** in view of the well-known feature of using the

Internet connection.

26.   As to claim 9, Robinson teaches the invention substantially as discussed above;

however, Robinson does not explicitly teach the Internet connection.

It would have been obvious to one of ordinary skill in the Data Processing art at

the time of the invention to combine the teachings of Robinson with the well-known

feature to use the Internet connection because it would allow users to communicate

each other (see patent no. **US2001/0043608 A1**, Fig. 2, node 38).

Claim Rejections - 35 USC § 103

27.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

28.   Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Robinson et al patent no. **5,533,102** as applied to claims 1-9 above, and further in view

of **Lam** patent no. **6,052,461.**

29.   As to claim 10, Robinson teaches the invention substantially as discussed above;

however, Robinson does not explicitly teach a converter to converse the data to CSTA

data.

Lam teaches the interface adapter to convert the data to CSTA formatted data

(Lam, col. 2, lines 25-31).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Robinson and Lam to provide data converter because it would allow the computer to use the suitable protocol for communication with others (Lam, col. 2, lines 25-31)

30.   As to claim 11, Robinson-Lam teaches, wherein the instruction sequence generated by the remote computer contains instructions defined by the CSTA protocol (Robinson, col. 5, lines 6-14).

31.   As to claim 12, Robinson-Lam teaches, which further comprises a converter connected between the remote computer and said central controller, said converter converting CSTA instructions transmitted from the remote computer into control instructions for said central controller (Lam, Interface Adapter 130; col. 2, lines 2-31).
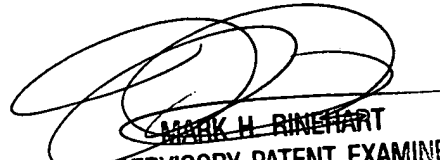
32.   Further references of interest are cited on Form PTO-892, which is an

attachment to this action.

33.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-

0276. The examiner can normally be reached on 7:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mark Rinehart can be reached on 703-305-4815. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-746-7240.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3230.

Hai V. Nguyen
Art Unit 2152

MARK H. RINEHART
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